

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUG WOLSHLAGER,)	
Plaintiff,)	
)	No. 1:22-cv-602
v.)	
)	Honorable Paul L. Maloney
ARTHUR CLARKE III, et al.,)	
Defendants.)	
_____)	

ORDER ADOPTING REPORT & RECOMMENDATION

This matter was referred to the Honorable Phillip Green, United States Magistrate Judge, who issued a Report & Recommendation (R&R) on July 13, 2022 (ECF No. 6). Because Plaintiff was permitted to proceed as a pauper (ECF No. 4), Magistrate Judge Green reviewed Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. The R&R recommends dismissal of Plaintiff's complaint. Plaintiff was given fourteen days to file written objections to the proposed findings and recommendations per 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2), and he subsequently filed a document opposing the dismissal of his complaint (ECF No. 7). Because this Court agrees that Plaintiff's complaint fails to state a claim, the Court will dismiss this matter.

After being served with a report and recommendation issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only objections that are specific are entitled to a de novo

review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam). “[A]n objection that does nothing more than state a disagreement with the magistrate’s suggested resolution, or simply summarizes what has been presented before, is not an ‘objection’ as that term is used in the context of Federal Rule of Civil Procedure 72.” *Brown v. City of Grand Rapids*, No. 16-2433, 2017 WL 4712064, at *2 (6th Cir. June 16, 2017).

This Court conducted a de novo review. On review of the record, the R&R is adopted over Plaintiff’s “objections.” The document that Plaintiff filed opposing the dismissal of his complaint, which he titled “Points and Authorities in Opposition to Demurrer,” fails to raise a specific objection within the meaning of Fed. R. Civ. P. 72(b)(2). Instead, these “objections” are nonsensical, and the Court cannot discern any legal argument. Plaintiff appears to believe that Defendants filed a “demurrer” seeking dismissal of this matter, but Defendants have not even been served. Rather, the magistrate judge recommended dismissal of this matter due to its frivolity, and this Court agrees with the rationale in the R&R.

Given that there are no errors in the magistrate judge’s analysis and Plaintiff has failed to state a claim upon which relief can be granted, the Court will adopt the R&R and dismiss this matter. Accordingly,

IT IS HEREBY ORDERED that the Court **ADOPTS** the Report and Recommendation (ECF No. 6) as the Opinion of the Court. This matter is **TERMINATED**.

Judgment to follow.

IT IS SO ORDERED.

Date: July 19, 2022

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge